



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 10
401 W. Peachtree Street, NW
Suite 472
Atlanta, GA 30308

Agency Website: www.nlr.gov
Telephone: (404)331-2896
Fax: (404)331-2858



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November 2, 2022

Robert M. Weaver, CWA District 3 Counsel
Communications Workers of America
4100 Perimeter Park S
Atlanta, GA 30341

Re: Apple Cumberland Mall
Case 10-CA-295915

Dear Mr. Weaver:

We have docketed the fifth amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Examiner Nicole Deitman whose telephone number is (470)343-7479. If the agent is not available, you may contact Supervisory Attorney Kerstin Meyers whose telephone number is (470)343-7490.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the fifth amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to

comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink, appearing to read 'L. Henderson', with a long horizontal line extending to the right.

LISA Y. HENDERSON
Regional Director



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November 2, 2022

(b) (6), (b) (7)(C)

Apple Cumberland Mall
2860 Cumberland Mall, Suite 1153
Atlanta, GA 30339

Re: Apple Cumberland Mall
Case 10-CA-295915

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of the fifth amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Examiner Nicole Deitman whose telephone number is (470)343-7479. If the agent is not available, you may contact Supervisory Attorney Kerstin Meyers whose telephone number is (470)343-7490.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the fifth amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink, appearing to read 'L. Henderson', with a long horizontal line extending to the right.

LISA Y. HENDERSON
Regional Director

Enclosure: Copy of fifth amended charge

cc: Cameron Pierce, Esq.
Littler Mendelson, P.C.
3424 Peachtree Rd NE Ste 1200
Atlanta, GA 30326-1127

Caroline Page, Attorney
Littler Mendelson, P.C.
3424 Peachtree Rd NE Ste 1200
Atlanta, GA 30305-3208

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

APPLE CUMBERLAND MALL

Charged Party

and

COMMUNICATIONS WORKERS OF AMERICA

Charging Party

Case 10-CA-295915

AFFIDAVIT OF SERVICE OF FIFTH AMENDED CHARGE AGAINST EMPLOYER

I, Stephen J. Waring, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on November 2, 2022, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Apple Cumberland Mall
2860 Cumberland Mall, Suite 1153
Atlanta, GA 30339

Cameron Pierce, Esq.
Littler Mendelson, P.C.
3424 Peachtree Rd NE Ste 1200
Atlanta, GA 30326-1127

Caroline Page, Attorney
Littler Mendelson, P.C.
3424 Peachtree Rd NE Ste 1200
Atlanta, GA 30305-3208

November 2, 2022

Date

Stephen J. Waring
Designated Agent of NLRB

Name

/s/ Stephen J. Waring

Signature